REMARKS

Claims 1-59 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

I. REJECTIONS OF CLAIMS 1-59 UNDER 35 U.S.C. §§ 102(e) AND 103

Claims 18-24, 34-37 stand rejected under 35 U.S.C. § 102(e) based on newly cited U.S. Patent No. 6,760,316 ("Hebsgaard"). Claims 1-17, 25-33, and 38-59 stand rejected under 35 U.S.C. § 103 based on a combination of Hebsgaard and newly cited U.S. Patent No. 6,553,568 ("Fijolek"). All pending claims are believed to be allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

Independent claims 1, 18, 25, 34, 39, 51, and 58 require that synchronization between a protecting CMTS and a working CMTS is performed in response to one or both of two triggering events. Specifically, claim 1 recites "receiving information about the status of the group of cable modems from the working CMTS to thereby synchronize the protecting CMTS to the working CMTS *in response to* a change in configuration data pertaining to the group of cable modems associated with the working headend device, or discovery of a new protecting headend device." All other rejected independent claims, i.e., claims 18, 25, 34, 39, 51, and 58, contain recitations similar to those of claim 1 regarding the above-identified triggering events.

As explained fully in the prior responses (e.g., responses dated July 25, 2003, December 18, 2003, and July 12, 2004), one goal of the present invention is in providing redundancy for headend components of digital cable networks. Specifically, when a working CMTS becomes unavailable to service its group of cable modems, a protecting CMTS takes over service to those cable modems. The switchover takes place preferably transparently to the cable modems by keeping the working and protecting CMTSs in synchronization regarding service parameters for the cable modems.

Specifically, independent claims 1, 18, 25, 34, 39, 51, and 58 require that this synchronization occur in response to the above-identified "triggering events," i.e., "in response to a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS." According to specific embodiments of the invention, synchronization may be triggered when (a) local configuration changes are detected or (b) a standby CMTS (in learn state) is just discovered. See, for example, page 17, lines 4-17 of the present specification.

The Hebsgaard patent was newly cited as describing the claimed triggering events. However, the Hebsgaard patent fails to teach or suggest the above-identified claimed features, i.e.,

synchronizing the protecting headend device to the working headend device "in response to a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS" as claimed.

The Hebsgaard patent is generally directed to a system having CMTS devices and cable modems. It appears that Hebsgaard's only concern is in synchronizing future time stamps among CMTSs to ensure that timing for cable modem MAPs can be kept constant among the CMTSs. The Office Action cites two portions of the Hebsgaard patent. Applicants have carefully reviewed these portions and respectfully submit that these portions do not teach or suggest the claimed triggering events.

The first cited portion of Hebsgaard (i.e., column 2, lines 28-56) describes synchronization between a master CMTS device and slave CMTS devices. The master CMTS device generates a future time stamp value based on a counter value of the master CMTS device, and broadcasts the future time stamp value to the slave CMTS devices over a synchronization bus. When the time stamp counter in the master CMTS device reaches the generated future time stamp value, the master CMTS device broadcasts a control signal for synchronization over the bus. This portion of the Hebsgaard patent merely describes synchronization based on comparison of the counter value of the master CMTS device against the generated future time stamp value. See also, column 5, lines 53-57. It is respectfully submitted that periodic synchronization using a presumably incrementing counter in no way suggests the above-identified triggering events as required by the pending claims.

The second portion cited in the Office Action (i.e., column 5, lines 1-20) describes specifics of the synchronization bus 30 and does not add any relevant disclosure to support the rejection. Therefore, the portions of the Hebsgaard patent cited by the Examiner do not reasonably teach or suggest the claimed triggering events.

Furthermore, according to the description at column 6, lines 20-23, the Hebsgaard synchronization is "frequently repeated to continually ensure that the various CMTS devices 22 and 24 remain synchronized with one another." This description and the portions cited by the Examiner clearly suggest that synchronization is continually performed based on pre-set periodic timings, and is not triggered by other events such as a change in configuration data or discovery of a new protecting CMTS as claimed.

A review of the Hebsgaard patent also shows that nowhere does it teach or suggest use of "a change in configuration data pertaining to ... cable modems" as claimed. As specified above, the claims recite "synchronizing the protecting CMTS to the working CMTS in response to a change in *configuration data* pertaining to *the group of cable modems* associated with the working headend device, or discovery of a new protecting headend device." If the rejection is

premised on the change in configuration data alternative trigger, then the Hebsgaard patent must suggest that a change in the configuration data of one or more cable modems triggers a synchronization.

In view of the foregoing, the Hebsgaard patent fails to teach or suggest the above-identified triggering events as claimed. The Fijolek patent was cited as describing switchover between active and stand-by CMTS units. It was not cited as teaching the claimed switchover triggers. It is respectfully submitted that the Fijolek patent fails to teach or suggest the claimed triggering events. As such, Fijolek does not cure the deficiencies of Hebsgaard and the invention defined in independent claims 1, 18, 25, 34, 39, 51, and 58 and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-843-6200, ext. 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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